

REMARKS

The Office Action dated September 25, 2007 has been reviewed. Reconsideration of the grounds of rejection of claims 67-74 is respectfully requested in view of the amendments and remarks herein.

Applicant respectfully submits that pending claims 67-74 are allowable over the prior art.

SUMMARY OF THE OFFICE ACTION

Claims 67, 70-71 and 74 stand rejected under 35 U.S.C. § 103(a) over Tomioka et al (US 5,510,109) in view of Yahya et al (US 5,217,626) and further in view of Choi (Bulletin of the Korean Fisheries Society) and Kobayashi et al (US 4,909,986). Claims 68 and 72 stand rejected under 35 U.S.C. § 103(a) over Tomioka et al (US 5,510,109) in view of Yahya et al (US 5,217,626) and further in view of Choi (Bulletin of the Korean Fisheries Society). Claims 69 and 73 stand rejected under 35 U.S.C. § 103(a) over Tomioka et al (US 5,510,109) in view of Yahya et al (US 5,217,626) and further in view of Kobayashi et al (US 4,909,986).

RESPONSE

Applicant asserts that one of ordinary skill in the art would not be motivated to combine the cited elements of each reference. Claims 67-70 of the present application claim copper and silver concentrations of no more than 0.75 milligrams of copper and 0.0375 milligrams of silver per liter of fluid, and copper to silver ion ratios from 1:1 to 50:1. In the rejections, the Office states that Tomioka teaches combining copper and silver ions in an aqueous solution without specifically showing concentration ranges. Yahya is combined to show that copper and silver ions at concentration ranges cited by the instant claims falls within his teachings and thus allegedly renders the claimed invention obvious when combined with one or more of Tomioka and/or Choi and/or Kobayashi. However, none of the cited references teach or suggest the ratio of copper to silver ion ratios, as required by the amended claims.

Additionally, the significant synergistic effect of the claimed combination and concentrations of components demonstrates that the claimed composition would not have been obvious to one of ordinary

skill in the art. As stated in paragraph [0080] of the specification, “combining copper and silver ions with Citricidal™ in a glycerin base resulted in a significant synergistic effect, substantially improving disinfection efficacy compared to any of the components alone or in partial combination.” When a combination of components produces a result greater than the sum of its individual parts, such a result could not have been foreseen by one of ordinary skill in the art. Since none of the cited references teach or suggest such a synergistic result of the claimed combination and concentrations of components, applicant asserts that the claimed invention is not obvious. Accordingly, applicant requests withdrawal of the rejections of claims 67-74.

CONCLUSION

Applicant respectfully submits that the rejections of the claims under 35 U.S.C. § 103(a) have been addressed. Reconsideration and allowance of the pending claims is respectfully requested at the earliest possible date.

Respectfully submitted,

October 31, 2007

Date

By: _____/Dana M. Bartow/

Christopher I. Halliday

Registration No. 42,621

Dana M. Bartow

Registration No. 55,338

MORGAN, LEWIS & BOCKIUS, LLP

1701 Market Street

Philadelphia, PA 19103-2921